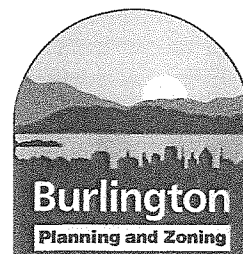


Department of Planning and Zoning

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Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: August 20, 2013
RE: 14-0043CA; 501 North Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RL Ward: 1

Owner/Representative: John & Signe Daly

Request: Remove existing non-conforming garage within side yard setback, construct new garage in same footprint with living space above.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

Background Information:

The applicant is seeking approval to reconstruct an existing attached garage that sits within the side yard setback and increase its height to 15' to include living space above it. No site changes are proposed, and the use remains that of a single family home. Typically, such proposals are administratively reviewed; however, the increased height of the nonconforming garage requires Development Review Board review.

Previous zoning actions for this property are noted below.

- 12/20/05, Approval to install storage shed in back yard
- 8/6/03, Approval for replacement of porch with new enclosed porch

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for single family homes and duplexes. The single family home use will remain unchanged. **(Affirmative finding)**

(b) Dimensional Standards & Density

Residential density will remain unchanged.

Lot coverage will remain unchanged at a compliant 34.7%.

Building setbacks will remain unchanged. The subject garage sits 2' from the western side property line. It does not meet the minimum 10% side yard setback requirement (or the alternative side yard setback based on the average of neighboring properties). The reconstructed garage will be set on the same footprint and will increase in height to 15'. The retention of nonconformity and increase in height is permissible under Sec. 5.3.5 below.

Overall building height of the principal structure will remain unchanged. The height of the garage will increase to an acceptable 15'. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The single family home is a permitted use and will remain unchanged. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No driveway setback encroachments are being sought. **(Not applicable)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

The reconstructed garage is less than 50% of the home's footprint but is subject to design review due to the building's historic significance. The garage contains only 1 bay; less than the number of bedrooms in the home (presently 3, proposed 4). **(Affirmative finding)**

5. Residential Density

No exceptions to the occupancy limits of the home are sought. **(Not applicable)**

6. Uses

The garage is an accessory residential structure. No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b) above.

Sec. 5.3.4, Nonconforming Uses

(a) Changes and Modifications

As noted under Sec. 4.4.5 (b), the existing garage encroaches into the minimum side yard setback. This criterion, along with criterion (b) *Demolition*, as most recently amended (July 15, 2013), allows for retention of existing dimensional nonconformity in replacement structures and for an increase in height subject to certain limitations. The replacement garage will be constructed on the existing footprint. The replacement garage will not encroach into the side yard setback any more than the existing garage.

- i) *Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density, and intensity of development);*
The replacement garage complies with all other dimensional requirements. Front and rear yard setbacks are compliant, as is lot coverage and height. **(Affirmative finding)**
- ii) *Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
A single story detached garage on the neighboring property sits next to the subject garage. The modest increase in height will have no adverse impact on this neighboring accessory structure. The newly proposed garage will have to meet current building and life safety standards. **(Affirmative finding as conditioned)**
- iii) *Be compatible with the character and scale of surrounding structures.*
The subject property reflects a common pattern in this neighborhood of single family homes with attached or detached garages tight to the side property lines. Several other homes have nearly the same configuration with finished space above their attached garages. The proposed construction is consistent with the scale and pattern of the neighborhood. **(Affirmative finding)**

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded. The reconstructed garage will increase in height to 15' as measured to the midpoint of the rise of the gable roof. **(Affirmative finding)**

Sec. 5.4.8, Historic Buildings and Sites

(b) Standards and Guidelines

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The principal building has always been used as a single family residence and will continue to be used as such. **(Affirmative finding)**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The existing home will remain intact. The attached garage will be removed and reconstructed with finished area above. No distinctive materials or features will be removed. The spatial relationship between the home and the attached garage will remain largely unchanged. **(Affirmative finding)**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The reconstructed garage will be constructed with modern materials, including cement fiberboard siding and asphalt shingle roofing. While it will resemble the existing garage, there is no attempt to present it as a replica. **(Affirmative finding)**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

No historically significant alterations are slated for removal. **(Affirmative finding)**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The exterior of the existing home will remain fully intact. The home's significant materials, features, and finishes will be retained. **(Affirmative finding)**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

There is no proposal to replace historic features. This application simply seeks to reconstruct an existing garage so that it may contain additional living space above it. **(Affirmative finding)**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

(Not applicable)

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

There are no known archeological resources on the property. **(Affirmative finding)**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features,*

size, scale, and proportion, and massing to protect the integrity of the property and its environment.

Although the proposed garage will be distinctly new, it will retain much of the scale and spatial relationship to the home that the existing garage does. As noted previously, there will be no alterations to the home's exterior materials or features. The new garage will be clad in fiber cement clapboards and trim and will be compatible with the aluminum "clapboard" appearance of the home. **(Affirmative finding)**

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

See #9 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new outdoor lighting is proposed. **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

Less than 400 sf of earth disturbance is proposed. **(Not applicable)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the reconstructed garage are similar to those of the existing garage. It remains clearly secondary to the primary residential building. **(Affirmative finding)**

2. Roofs and Rooflines

The reconstructed garage will have a gable roof like that of the home, albeit with dormers to allow more functional living space within. **(Affirmative finding)**

3. Building Openings

Window details are lacking and specification sheets must be provided. Conceptually, the proposed window placement and size are appropriate. **(Affirmative finding as conditioned)**

(b) Protection of important architectural resources

The home is historically significant and is included in the Vermont Historic Sites & Structures survey. See Sec. 5.4.8 for review criteria.

(c) Protection of important public views

There are no important public views from or through the subject property. **(Affirmative finding)**

(d) Provide an active and inviting street edge

The existing street edge will remain essentially unchanged. The clearly defined front entry will remain intact. The garage continues to be recessed behind the front plane of the house.

(Affirmative finding)

(e) Quality of materials

The reconstructed garage will be clad in fiber cement clapboards and trim. Asphalt shingle roofing will be installed. These materials are of acceptable quality. As noted previously, window specification sheets are needed. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The proposed construction must comply with the city's current energy efficiency standards as applicable. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

No new utility meters are proposed, nor is any additional building-mounted mechanical equipment.

(Affirmative finding)

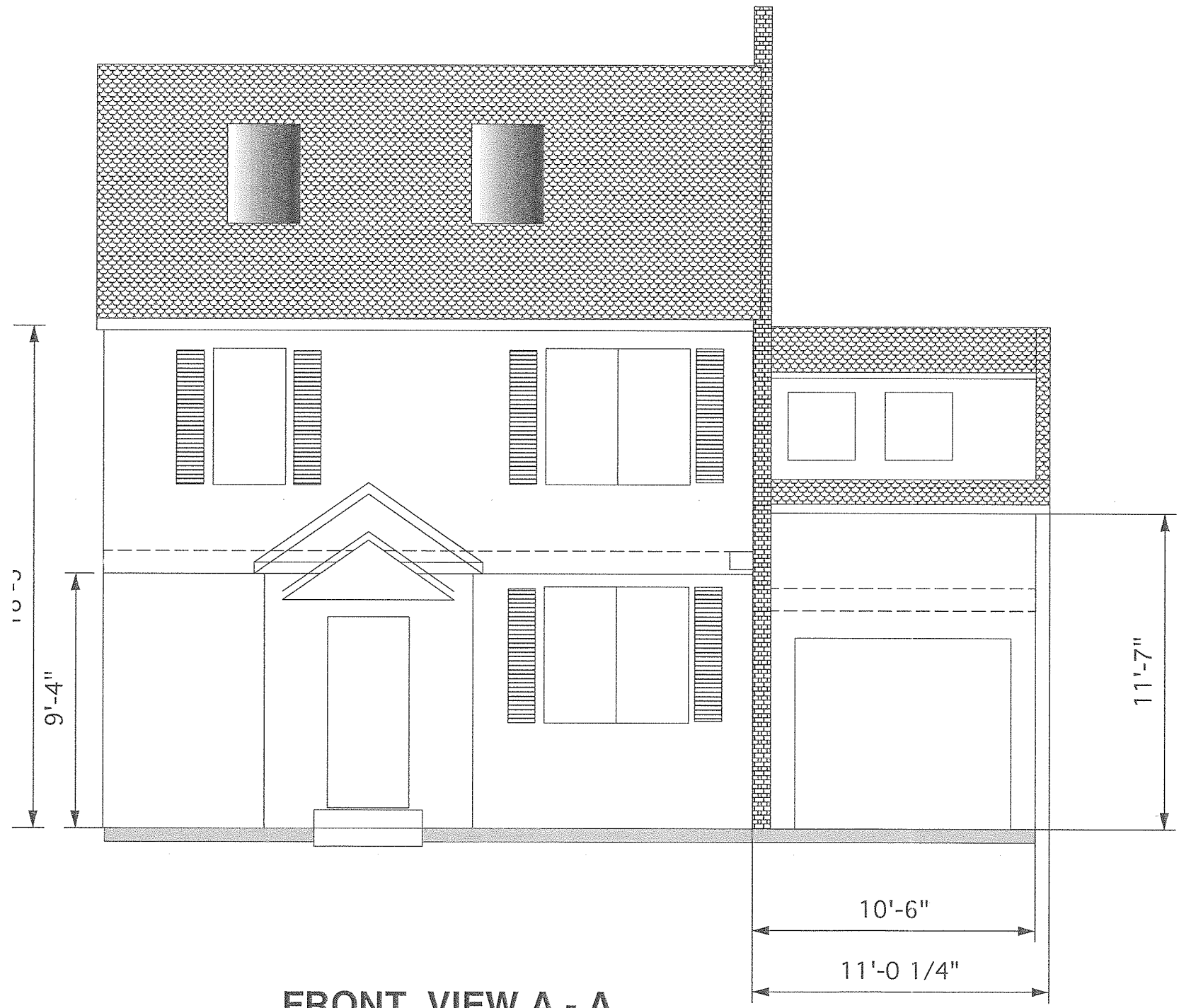
(i) Make spaces safe and secure

The finished space within the reconstructed garage must comply with the city's current egress requirements. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. Prior to release of the zoning permit, window specification sheets shall be provided, subject to staff review and approval.
2. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
3. The proposed addition shall comply with Burlington's current energy efficiency standards and with Burlington's current egress/life safety requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
4. Standard permit conditions 1-15.

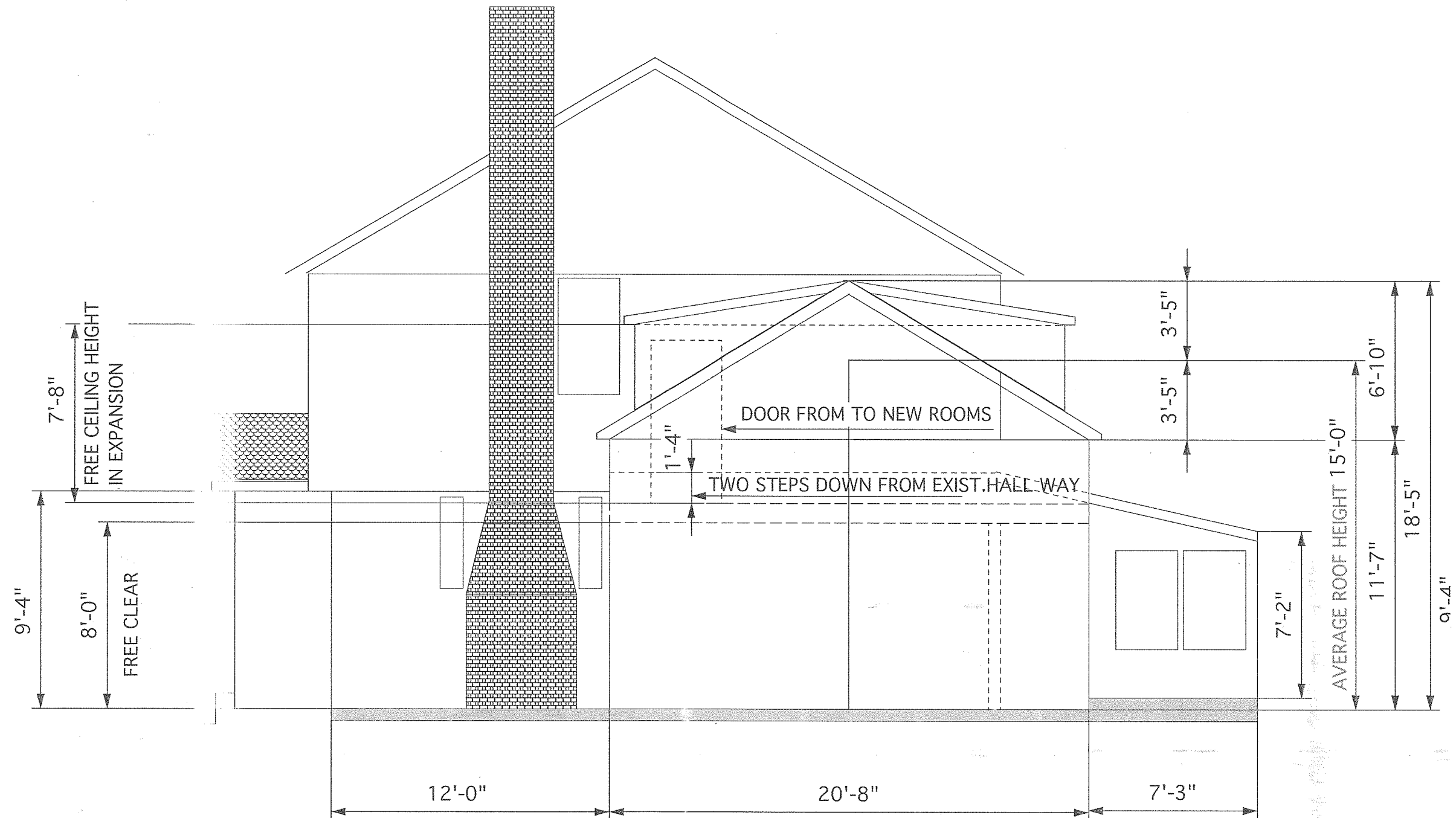
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FRONT VIEW A - A

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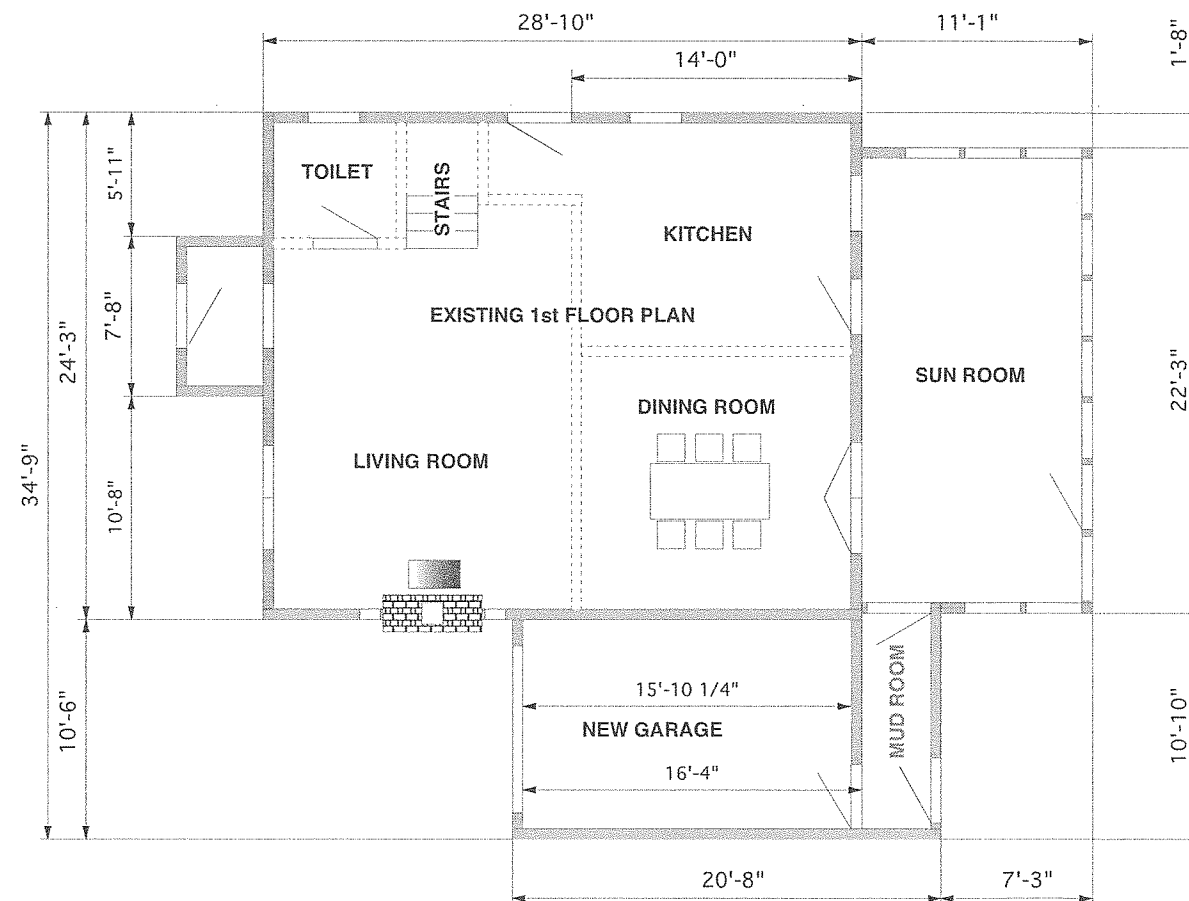
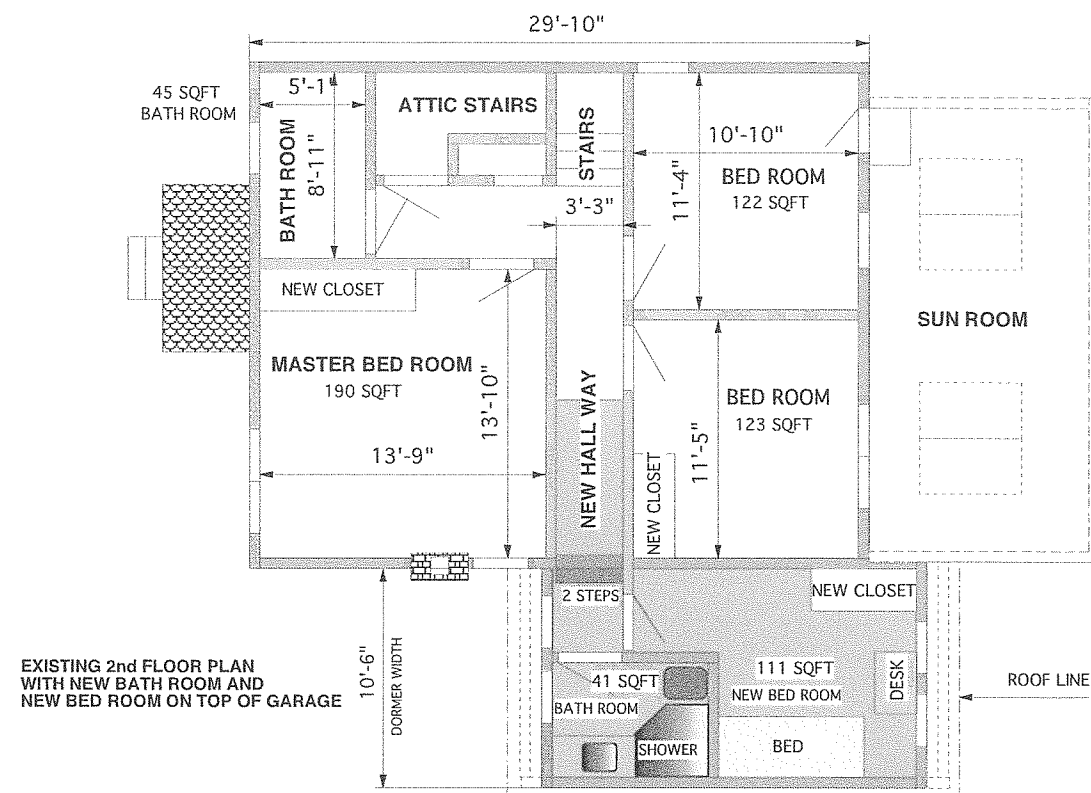
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SIDE VIEW A - A

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NOTE:
HOUSE "AS IS" REVISED 2/18/2012
ALL DIMENSIONS ARE ± 1 INCH
TO BE VERIFIED & DOUBLE CHECKED

SCALE 1 : 60 OR 1" : 5'

SJConsulting 2/04/2013
REV 1. 2/18/2013
REV 2. 5/30/2013
REV 3. 7/8/2013

Signe & John Daly
501 North Street, Burlington, VT
EXPANSION CONCEPT 1
SHEET # 2/2

160

152

502

506

512

520

146

501

505

511

515

51

140

136

132

16

22

28

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**2. EXISTING DISTANCE BETWEEN PROPERTY LINES AND EXISTING
STRUCTURES IN SURROUNDING HOUSES:**

501 North Street (west side) and 136 North Prospect Street (east side)

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136 North Prospect Street (east side) and 501 North Street (west side) = ~~June~~ July 9 2013

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505 North Street (west side) and 501 North Street (east side) = 2 feet



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146 North Prospect Street (south side) and 140 North Prospect Street (north side) =
2 feet



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136 North Prospect Street (north side) and 140 North Prospect Street (south side) =
16 in



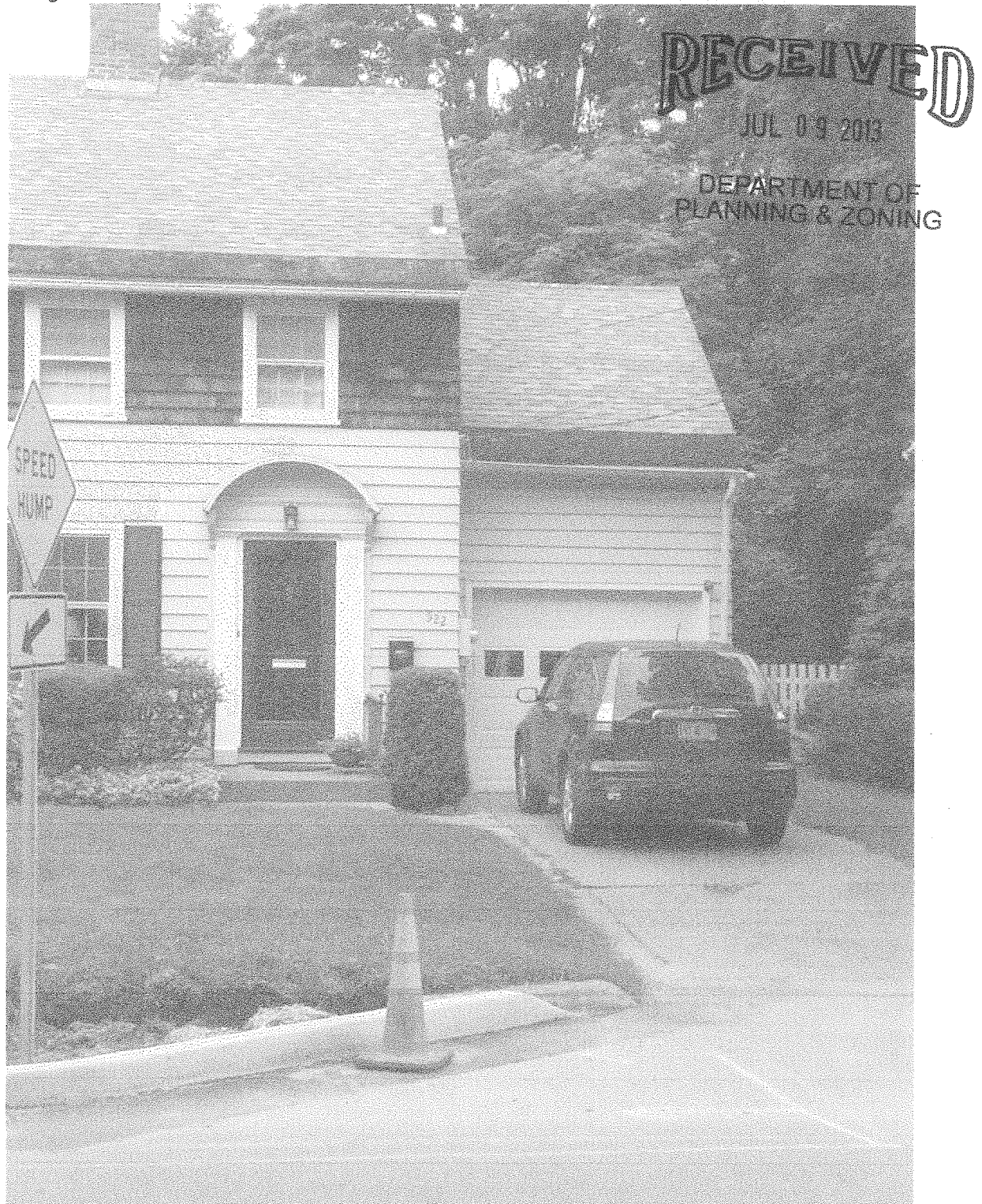
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Calculated average of distance from property line to existing structures = @ 2 feet

3 **HOUSES ON SAME BLOCK OF NORTH STREET WITH SIMILAR GARAGE
WITH ROOM ABOVE STRUCTURE - AS PROPOSED IN THIS BUILDING
REQUEST: 522 North Street**



523 North Street

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530 North Street

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